REMARKS

Claims 1-53 were pending and presented for examination and in this application. In an Office Action dated September 27, 2006, claims 1-53 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Applicants are canceling claims 2, 3, 27, and 28 with this Amendment and Response. Applicants are amending claims 1, 10, 16-21, 26, 41-46, and 52-53 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections, and withdraw them.

Double Patenting

In the 3rd and 4th paragraphs of the Office Action, Examiner has provisionally rejected claims 1, 26, and 52 on the grounds of nonstatutory obviousness-type double patenting over certain claims in copending applications 10/814,317 and 10/814,357 both filed on the same day as this application. Applicant requests that this rejection be held in abeyance until the other rejections have been withdrawn, at which time a terminal disclaimer may be filed if necessary.

Response to Rejection Under 35 USC § 101

In the 6th paragraph of the Office Action, Examiner has rejected claims 1, 2, 4-17, 22-50, and 52-53 under 35 USC § 101, as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed.

In the 7th and 8th paragraphs of the Office Action, Examiner has rejected claims 1, 2, 4-17, and 22-25 as being directed merely to an abstract idea that is not statutory subject matter under 35 USC § 101. Applicants have amended claim 1 to incorporate claim 3, which comprises "compiling event data," thus producing a useful, concrete, and tangible result. As a result, Applicants respectfully request that Examiner withdraw the § 101 rejection to claim 1 and dependent claims 4-17 and 22-25.

In the 9th paragraph of the Office Action, Examiner has rejected claim 26 as being not limited to tangible embodiments. As amended, claim 26 recites "A tangible computer-readable medium ..." Applicants respectfully request that Examiner withdraw the § 101 rejection to claim 26 and dependent claims 29-50.

In the 11th paragraph of the Office Action, Examiner has rejected claim 52 because the claimed matter is allegedly not a physical "thing" nor a statutory process. As amended, claim 52 recites "A computer-implemented system ..." and thus is a physical "thing." Applicants respectfully request that Examiner withdraw the § 101 rejection to claim 52 and dependent claim 53.

Response to Rejection Under 35 USC 102(e) in View of Payton

In the 14th paragraph of the Office Action, Examiner rejects claims 1-2, 11-17, 24, 26-27, 36-42, and 49 under 35 USC § 102(e) as allegedly being anticipated by Payton (U.S. Patent No. 6,681,247). This rejection is respectfully traversed.

As amended, claim 1 recites a method comprising, *inter alia*, "compiling event data associated with the event responsive at least in part to a comparison of the capture score and a threshold value." This element was previously in claim 3 which was rejected by Examiner under § 103(a) as described below. Payton does not disclose compiling event data associated with the

event if responsive at least in part to a comparison of the capture score and a threshold value. Claim 26, containing similar language, has been amended similarly.

Based on the above remarks, Applicants respectfully submit that for at least this reason claims 1 and 26 are patentably distinguishable over the cited reference. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it. As to the dependent claims, because claims 11-17 and 24 are dependent on claim 1 and claims 36-42 and 49 are dependent on claim 26, all arguments advanced above with respect to claims 1 and 26 are hereby incorporated so as to apply to these dependent claims. Applicant disagrees with the Examiner's contention that the dependent claims are anticipated by Payton, but asserts that they are patentable for at least the same reasons as the independent claims 1 and 26.

Response to Rejection Under 35 USC 103(a)

In the 28th to 46th paragraphs of the Office Action, Examiner rejects claims 3-10, 18-23, 25, 28-35, 43-48, and 50-53 under 35 USC § 103(a). Claims 3 and 28 are rejected as allegedly being unpatentable over Payton in view of Holzle (U.S. Patent No. 6,240,548). Claims 4-10, 23, 25, 29-35, 48, and 50 are rejected as allegedly being unpatentable over Payton in view of DaCosta (U.S. Patent No. 6,826,553). Claims 18-22, 43-47, and 51-53 are rejected as allegedly being unpatentable over Payton in view of DaCosta and Paine (U.S. Publication No. 2003/0055816). This rejection is respectfully traversed.

As amended, claim 1 incorporates claim 3 and recites a method comprising the following:

> identifying an event having an associated article;
> identifying article data associated with the article;
> determining a capture score for the event based at least in part on the article data; and
> compiling event data associated with the event responsive at least in part to a comparison of the capture score and a threshold value.

As can be seen, the claim recites compiling event data associated with an event based on a capture score. This capture score is determined based at least in part on article data associated with an article, where the article is associated with the event. The event data is compiled responsive at least in part to a comparison of the capture score and a threshold value. The event data can be stored, indexed, or otherwise processed. The claimed invention beneficially allows for compiling desired event data based on a comparison of an associated capture score and a threshold value.

As amended, claims 26, 51, and 52 contain similar language to claim 1, and all arguments presented below regarding claim 1 equally apply to these claims. Claims 51 and 52 recite "indexing the event," which is one way of "compiling event data associated with the event," recited in claim 1. Claim 51 also includes specific types of "article data" from claim 1 and a specific type of "comparison" from claim 1.

The claims are not obvious in view of the combination of Payton, Holzle, DaCosta, and Paine. Payton discloses scores representing the similarity of various user activities. However, Payton does not disclose scores that are compared to a threshold value for compiling event data. Holzle discloses improving the performance of a byte-code compiler by having the compiler run when the computer is idle. However, the claimed invention is concerned with compiling event data, not compiling byte-codes or other computer programs. DaCosta discloses automatically extracting data from electronic documents using previously recorded macros. In order to record macros, user-generated events such as mouse clicks are recorded, but these events are not compiled or indexed. Paine discloses a system for recommending search terms to advertisers

based on the advertiser's web site and search terms used by other similar advertisers. Paine also does not deal with determining scores for events and compiling events based on those scores.

Specifically, the references cited do not disclose "compiling event data associated with the event responsive at least in part to a comparison of the capture score and a threshold value." Examiner cites Payton, col. 11 lines 1-5 as disclosing a threshold value. However, this threshold value is part of a "scent score" diffusion algorithm and is used to decide whether a scent score should be used to modify another scent score (Payton, col. 10, line 42 – col. 11, line 9). The threshold value is not compared to a score based on event article data (i.e., a capture score) and is not used to compile event data as in the claimed invention. Examiner cites Holzle, col. 4 lines 50-65 as teaching compiling event data. However, this portion deals with compiling a method (i.e., a function) of a computer program. Specifically, a function is to be compiled to improve execution performance after the number of times the function is interpreted exceeds a threshold. Holzle does not disclose compiling event data associated with an event.

Examiner cites DaCosta, col. 13 lines 15-22, as disclosing an index. However, this is not an index of events but rather an index of elements of an HTML document, and does not disclose indexing or compiling event data. Examiner cites Paine, paragraph 0116, as disclosing indexing an event if the capture score is above a threshold value (one type of the comparison recited in claim 1). This paragraph, however, mentions only an index of web pages, not an index of events. The "threshold" mentioned in the paragraph is compared to the quality of various search terms and is not compared to a capture score for an event.

Based on the above remarks, Applicants respectfully submit that for at least these reasons claims 1, 26, 51, and 52 are patentably distinguishable over the cited references. Therefore, Applicants respectfully request that Examiner reconsider the rejections and withdraw them. As

to dependent claims, because claims 4-25 are dependent on claim 1, claims 29-50 are dependent on claim 26, and claim 53 is dependent on claim 52, all arguments advanced above with respect to claims 1, 26, and 52 are hereby incorporated so as to apply to these dependent claims. Applicant disagrees with the Examiner's contention that the dependent claims are obvious over Payton in view of Holzle, DaCosta, and Paine, but asserts that they are patentable for at least the same reasons as claims 1, 26, and 52.

Conclusion

On the basis of the above remarks, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above remarks, or if the Examiner believes that for any reason direct contact with the Applicants' representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
OMAR HABIB KHAN ET AL.

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